

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1-9 and 11-17 are pending in the above application. By the above amendment, claims 14-17 have been added.

The Office Action dated October 6, 2010, has been received and carefully reviewed. In that Office Action, claim 1-9 and 11-13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, and claims 1, 2, 3, 9 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-29424 or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424. In addition, claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424 in view of DE 19919132, claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424 in view of JP 2002-310453, claims 4-7, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424 in view of "any one of" JP 11-198629, or JP 10-32445 or JP 11-5427 or FR 275492 or Groemmer or DE 19919132, and claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over "the prior art applied to claim 5 above" in view of DE 10002578. Each of these issues is addressed below, and reconsideration and allowance of claims 1-9 and 11-17 is respectfully submitted in view of the above amendments and following remarks.

**REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH**

Claims 1 and 11 were rejected based on a use of the word "overlap" that the examiner indicated was indefinite. Applicant maintains that the use of the word overlap

was not indefinite for the reasons already of record, and Applicant reserves the right to argue this issue further should Applicant return the word "overlap" to the claims in the future. However, by the above amendments, the word "overlap" has been removed from the claims, thereby obviating the claim rejections under 35 U.S.C. 112, second paragraph. Wherefore, the withdrawal of the rejections of claims 1-9 and 11-13 under 35 U.S.C. 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-29424. Claim 1 as amended, recites a multizone air conditioning system of a motor vehicle, having, as viewed in the direction of airflow, a control element for controlling the temperature, a vaporizer and a heater which are arranged in an air guiding housing that has dividing walls. At least one dividing element for the sealed division of the individual zones of the air conditioning system is provided on the heater, and the at least one dividing element includes one of a projection and a forked end. At least one of the dividing walls and/or at least one of the dividing elements of a component adjacent to the heater includes the other of the projection and the forked end, and the projection is received between spaced portions of the forked end. It is respectfully submitted that the structure recited in amended claim 1 is not shown or suggested by JP 10-29424, This reference does not show a dividing element on a heater comprising a projection that is received in a space between spaced portions of a forked end of an adjacent dividing wall or element and therefore does not anticipate claim 1.

Applicant notes that JP 10-29424 discloses in Figure 6 a forked end of an

element 18 that engages a refrigerant tube 20 of an evaporator; however, tube 20 is not a dividing element for the sealed division of individual zones of the air conditioning on a heater, and one of ordinary skill in the art would have no reason to provide a heater with a refrigerant tube 20. Claim 1 as amended is submitted to patentably distinguish over JP 10-29424 for at least this reason.

Claims 2-9 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 11 as amended recites a multizone air conditioning system of a motor vehicle that includes an air guiding housing having an interior and configured to guide air through the air guiding housing in an airflow direction, a vaporizer, a heater downstream from the vaporizer, at least one dividing wall in the air guiding housing configured to divide an output of the heater into first and second flow paths, and a first dividing element on the heater sealingly connecting the heater to the dividing wall. The first dividing element comprises a projecting member or a forked end, and the at least one dividing wall includes a projecting member or a forked end, and the projecting member is received between spaced portions of the forked end. As discussed above in connection with claim 1, JP 10-29424 does not show or suggest a dividing element on a heater having the claimed structure or a dividing wall cooperating with the dividing element as claimed. While JP 10-29424 does show a forked element engaging a refrigerant tube 20 of an evaporator, JP 10-29424 does not show such a structure on a heater, and nothing in the record suggest any reason for providing a heater with a structure like a refrigerant tube of an evaporator. For these reasons, it is respectfully submitted that claim 11 is not anticipated by and patentably distinguishes over JP 10-

29424.

Claims 12 and 13 depend from claim 11 and are submitted to be allowable for at least the same reasons as claim 11.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424 in view of DE 19919132. Claims 8 and 9 depend from claim 1. DE 19919132 does not address the shortcomings of JP 10-29424 discussed above in connection with claim 1. Claims 8 and 9 are therefore submitted to be allowable for at least the same reasons as claim 1.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424 in view of JP 2002-310453. Claim 9 depends from claim 1. JP 2002-310453 does not address the shortcomings of JP 10-29424 discussed above in connection with claim 1. Claim 9 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 4-7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-29424 in view JP 11-198629 or JP 10-324145 or JP 11-5427 or FR 2754492 or Groemmer or DE 19919132. Claims 4-7 depend from claim 1, and claims 12 and 13 depend from claim 11. JP 11-198629 and JP 10-324145 and JP 11-5427 and FR 2754492 and Groemmer and DE 19919132 do not address the shortcomings of JP 10-29424 discussed above in connection with claims 1 and 11. Claims 4-7 and 12 and 13 are therefore submitted to be allowable for at least the same reasons as the claims from which they depend.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over "the prior art as applied to claim 5" in view of DE 10002578. Claim 6 depends from claim 5. DE 10002578 does not address the shortcomings of the prior art applied to claim 5 as discussed above. Claim 6 is therefore submitted to be allowable for at least the same reasons as claim 5.

#### NEW CLAIMS

Claims 14-17 are also submitted to be allowable over the art of record. Claim 14 recites a multizone air conditioning system of a motor vehicle that includes an air guiding housing having an interior and configured to guide air through the air guiding housing in an airflow direction, a vaporizer, a heater downstream from the vaporizer, and a heating or cooling element in the air guiding housing adjacent the heater. The system also includes at least one dividing wall in the air guiding housing configured to divide an output of the heater into first and second flow paths, a first dividing element on one of the heater and the heating or cooling element and a second dividing element on the other of the heater and the heating or cooling element. The first dividing element comprises a projecting wall portion, the second dividing element comprises a pair of arms separated by a space, and the projecting wall portion extends into the space. Such a structure is not shown or suggested by the art of record, and claim 14 is submitted to be allowable.

Claims 15 and 17 depend from claim 14 and are submitted to be allowable for at least the same reasons as claim 14.


**CONCLUSION**

Each issue raised in the Office Action dated October 6, 2010, has been addressed, and it is believed that claims 1-9 and 11-17 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

*Deposit Account Authorization*

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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**Date: November 30, 2010**